

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

COOPER TIRE AND RUBBER CO.

PLAINTIFF

V.

CIVIL ACTION NO.: 3:02CV210-SA-JAD

JOHN BOOTH FARESE, et. al

DEFENDANTS

**ORDER GRANTING MOTIONS TO SEAL
AND MOTION TO MAINTAIN SEAL**

Presently before this Court is Farese Defendants' Motion to Seal [712], Kaster Defendants' Cross-Motion to Seal [714], and Cooper Tire's Motion and Incorporated Memorandum to Maintain Seal [713]. The Court finds that these motions are well taken and should be granted. Specifically, the Court finds as follows:

I. Farese Defendants' Motion to Seal [712]

Farese Defendants' request document number 669, which has been removed from the docket sheet remain under seal. Said document was an offer of judgment inadvertently filed by Farese Defendants and promptly removed after the error was discovered. Farese Defendants contend this document may reflect on the confidential settlement in this case and for this reason, the document should remain sealed. The Court agrees and holds that Farese Defendants' Motion to Seal [712] as it relates to document number 669 is GRANTED, and said document shall remain under SEAL.

Farese Defendants also request that all financial documents which were filed under seal in this case remain under seal. The Court agrees and holds that Farese Defendants' Motion to Seal [712] as it relates to these sensitive financial documents is GRANTED, and said documents shall remain under SEAL.

II. Kaster Defendants' Cross-Motion to Seal [714]

Kaster Defendants request that all financial documents which were filed under seal remain under seal. The Court agrees and holds that Kaster Defendants' Cross-Motion to Seal [714] is GRANTED, and said financial documents shall remain under SEAL.

III. Cooper Tire's Motion and Incorporated Memorandum to Maintain Seal [713]

Cooper Tire requests that this Court enter an order maintaining all currently sealed documents. Specifically, Cooper Tire explains that none of the following documents covered by the Courts' Protective Orders have ever been released from seal and are still subject to both Judge Howard's June 22, 2004, Order and Judge Davis' November 20, 2006, Order:

- a. Exhibits to Cooper Tire's Opposition to Turner's Motion to Dismiss, filed December 29, 2003;
- b. Exhibits to Turner Defendants' Supplemental Motion to Dismiss, filed January 20, 2004;
- c. Exhibits to Farese Defendants' Motion for Summary Judgment, filed January 30, 2004;
- d. Exhibits to Farese Defendants' Motion to Determine Whether a Deposition Should be or Is Sealed, filed January 30, 2004;
- e. Exhibits to Cooper Tire's Motion for Sanctions against Farese Defendants, filed February 4, 2004;
- f. Exhibits to Cooper Tire's Motion to Compel, filed April 14, 2004;
- g. Exhibits to Cooper Tire's Supplemental Response in Opposition to Kaster Motion to Dismiss, filed April 26, 2004;
- h. Exhibits to Kaster Defendants' Supplement to Motion to Dismiss, filed April 27, 2004;
- i. Exhibits to Farese Defendants' Motion to Amend Complaint, filed May 3, 2004;
- j. Exhibits to Cooper Tire's Response to Motion to Dismiss, filed May 6, 2004;

- k. Exhibits to Kaster Defendants' Response to Motion to Compel, filed May 10, 2004;
- l. Exhibits to Kaster Defendants' Rebuttal to Response to Supplement to Motion to Dismiss, filed May 19, 2004;
- m. Exhibits to Farese Defendants' Motion to Set Record Straight re: Agreement, filed May 20, 2004;
- n. Exhibits to Farese Defendants' Reply to Response to Motion to Dismiss, filed May 20, 2004;
- o. Exhibits to Cooper Tire's Surreply in Support of Response to Motion to Dismiss, filed June 2, 2004;
- p. Exhibits to Cooper Tire's Opposition Motion to Set Record Straight, filed June 2, 2004;
- q. Exhibits to Farese Defendants' Reply/Rebuttal to Opposition to Motion for Summary Judgment, filed June 25, 2004;
- r. Exhibits to Kaster Defendants' Motion for Summary Judgment, filed June 29, 2004;
- s. Exhibits to Cooper Tire's Opposition to Kaster Defendants' Motion for Summary Judgment, filed July 19, 2004;
- t. Exhibits to Kaster Defendants' Response to Opposition to Motion for Summary Judgment, filed July 28, 2004; and
- u. Exhibits to Kaster Defendants' Motion Per Rule 11, filed November 22, 2004.

The Court holds that Cooper Tire's Motion and Incorporated Memorandum to Maintain Seal [713] is GRANTED, and that the preceding items be maintained under SEAL by this Court.

SO ORDERED, this the 27th day of February, 2009.

s/ Sharion Aycock
U.S. DISTRICT JUDGE